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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

JACK L. EARL, JR.,)	
)	
Petitioner,)	No. 3:02-cv-224-HRH
)	
vs.)	MOTION TO ACCEPT
)	OVERLENGTH RESPONSE TO
CRAIG TURNBULL,)	OBJECTIONS TO REPORT AND
)	RECOMMENDATION
Respondent.)	
_____)	

The magistrate judge's report and recommendation imposed a five-page limit on the objections and response to objections. The state response to Earl's objections is 12 pages long. There is a compelling reason for this.

Earl's objections were five pages long, but they represent a significant violation of Local Rule 10.1(a)(1)[D], which requires that all documents filed with the court must use "at least 11-point type, ten-pitch (10 characters per inch) or 12-point proportionally-spaced font." The font used on

Earl's objections appears to no larger than 10-points, proportionally spaced. By comparison, the font used in this document as well as the state's objections is 13-point, proportionally spaced. Earl also appears to have reduced the line spacing on his objections. The combined effect of these two changes resulted in dramatically denser text and allowed Earl to pack more argument into five pages than he would have been able to do had he complied with Rule 10.1. The state submits two exhibits to illustrate this effect. Exhibit 1 is printed using the double-spaced 13-point font used in this document; it contains 270 words. Exhibit 2 is printed using line spacing and a 10-point font similar to that used by Earl; it contains 675 words.

Given Earl's apparent manipulation of the formatting of his objections, the state should be permitted to file a response of comparable length.

DATED this 14th day of April, 2008, at Anchorage, Alaska.

TALIS J. COLBERG
ATTORNEY GENERAL OF
THE STATE OF ALASKA

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Certificate of Service

I certify that on April 14, 2008, a copy of the foregoing **Motion to Accept Overlength Response to Objections to Report and Recommendation** was served electronically on **Mary Geddes**

s/ **Kenneth M. Rosenstein (7605051)**